

BILL ANALYSIS

C.S.H.B. 1063
By: Farias
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, fire departments face significant problems gaining access to gated communities. Prior to the enactment of law relating to county authority to regulate vehicular or pedestrian gates to gated communities and multi-unit housing projects, various volunteer fire departments implanted their own key access systems throughout communities located outside municipal boundaries, including unincorporated areas of Bexar County, so each department carries multiple keys. In the process of responding to emergency situations, staff has to try each key, which slows down response time and can make a difference in life or death situations.

While it is unknown how law enforcement is accessing these gated communities, private ambulance service operating in unincorporated areas of the county currently do not have access to gated communities, including gated communities in unincorporated areas of Bexar County. The use of the siren operated sensor system to open electronically operated gates will ensure that all emergency vehicles have access to gated communities.

C.S.H.B. 1063 authorizes the commissioners court of a county to require gated communities located outside municipal boundaries with electronically powered gates to equip gates with a gate operating device approved by the county fire marshal or other similar authority having jurisdiction over fire prevention that will activate the gate upon sounding an emergency vehicle siren.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1063 amends the Local Government Code to authorize the commissioners court of a county by order to require that each electric gate to a gated community or multiunit housing project located outside municipal boundaries in an area not already subject to municipal regulations be equipped with a gate-operating device that is approved by the county fire marshal or other similar authority having jurisdiction over fire protection and will activate the electric gate on the sounding of an emergency vehicle siren.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1063 differs from the original by adding the option for the gate-operating device to be approved by a similar authority having jurisdiction over fire prevention, in addition to the county fire marshal.